IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B.PRAKASH RAO
WRIT PETITION NO : 8962 of 1992

Between:

N.Venkata Gurudutt S/o.Late N.S.R.Penthulu,
Director, M/s.The Gandhinagar Agrl & Mining
Corp. Pvt.Ltd., Guntur.
(Cause title of the petitioner is amended as per
court order dt.20-2-2004 in WPMP.No.4044/04,in
WP.No.8962/1992).

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PETITIONER

AND

1 The Govt.of A.P Rep.by its Secretary
Secretariat Hyderabad.
2 Commissioner of Land Records & Survey A.P
Hyderabad.
3 Revenue Divisional Officer (Land Reforms Tribunal)
Markapur Prakasam Dist.
4 Mandal Revenue Officer
Pullalacheruvu Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandmaus, declaring the action of the Revenue Divisional Officer, (Land Reforms Tribunal), Markapur, in pre-determining the excess land to be surrendered by the petitioner-corporation, under Sec 10 of the A.P.Land Reforms (COACH), Act, 1973, even before the determination of the rights of petitoner-corporation by Inams Abolition and Conversion into Ryotwari Act, 1956, is arbitrary,improper,without jurisdiction and bad in law and consequently direct the order of Revenue Divisional Officer, (Land Reforms Tribunal) Markapur, in CC.No.944/M/75, dated 27-6--1992, (received on 9-7-1992), and the consequential Notice in Form-IV,

dated 7-7-1992, as void and directing the Respondents to take action in accordance with law, and pass such other order or orders.

Counsel for the Petitioner:MR.G.V.L.N.MURTHY

Counsel for the Respondents: Govt. Pleader for Revenue

The Court made the following :

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ORAL ORDER:

Heard both sides.

Admittedly the petitioner has an alternative efficacious remedy of filing appeal under Section 10 of the Andhra Pradesh Land Reforms (COACH), Act, 1973. In view of the same, no Writ Petition under Article 226 of the Constitution of India, seeking Writ of Mandamus is maintainable.

The Writ Petition is accordingly dismissed with a liberty to the petitioner, to file an appeal within a period of two months from today before the concerned Land Reforms Appellate Tribunal and on receipt of which, the same shall be disposed of on merits, after giving notice and opportunity to both parties. It is needless to mention that till the disposal of the appeal, the interim stay granted by this Court in W.P.M.P.No.11111 of 1992, dated 21-07-1992 shall continue.

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kvr/stv

25th June, 2004

To

1. The Secretary, Revenue Department, Secretariat,
   Govt. of A.P., Hyderabad.
2. The Commisioner of Land Records and Survey,
   Andhra Pradesh, Hyderabad.
3. The Revenue Divisional Officer,
   (Land Reforms Tribunal), Markapur,
   Prakasam District..
4. Two C.Cs to the G.P. for Revenue,
   High Court of A.P. Buildings, High Court of
   A.P., Hyderabad. (O.U.T.)
5. Two C.D copies.